

# EXHIBIT J

## **Supplement to the previous testimony on the Merciful Hands**

### **November 23, 2021**

My name is Aymenn Jawad Al-Tamimi. I have been asked to the defence counsel to provide a supplement to my previous report on the conflict in Syria and the factions and charities of relevance to this case regarding any additional information on the Merciful Hands' activities in 2018 and links to other charities and organisations.

While it is true, as explained in my prior report, that there is no evidence that the Merciful Hands is currently tied to Hay'at Tahrir al-Sham or that the person who ran the charity in 2018 is currently tied to Hay'at Tahrir al-Sham, I have subsequently found and reviewed some evidence from early 2018 that suggests that the Merciful Hands *at that time* was working with another charity called the Abu Ahmed Foundation, which itself became known for its publicly pro-Hay'at Tahrir al-Sham stances and for its publicly advertised provision of support to an outfit called Malhama Tactical, which serves as a training and advisory unit that has worked closely with Hay'at Tahrir al-Sham in particular. I present the evidence for these observations below.

In a post on 12 March 2018 on its Facebook account, the Merciful Hands stated its independence 'from all fighting groups' and affirmed that it was working to help civilians and medical staff, but the post also mentioned that it was 'working in conjunction with the Abu Ahmad foundation and Sadaqah Al Khair.'



**Merciful Hands**

12 March 2018 ·

...

The Merciful Hands charity organization, is working in conjunction with the syrian people to help them rebuild there lives. After several years of brutal war we are still trying to bring some type of calm to a country in unrest. So help us to help them

We are based here in northern idlib and are fully independent from all fighting groups. We are a charity based organization here to help civilians and medical staff.

Soon we will post some pics from our last distribution.

working in conjunction with the Abu Ahmad foundation and Sadaqah Al Khair.

Like

Comment

Share

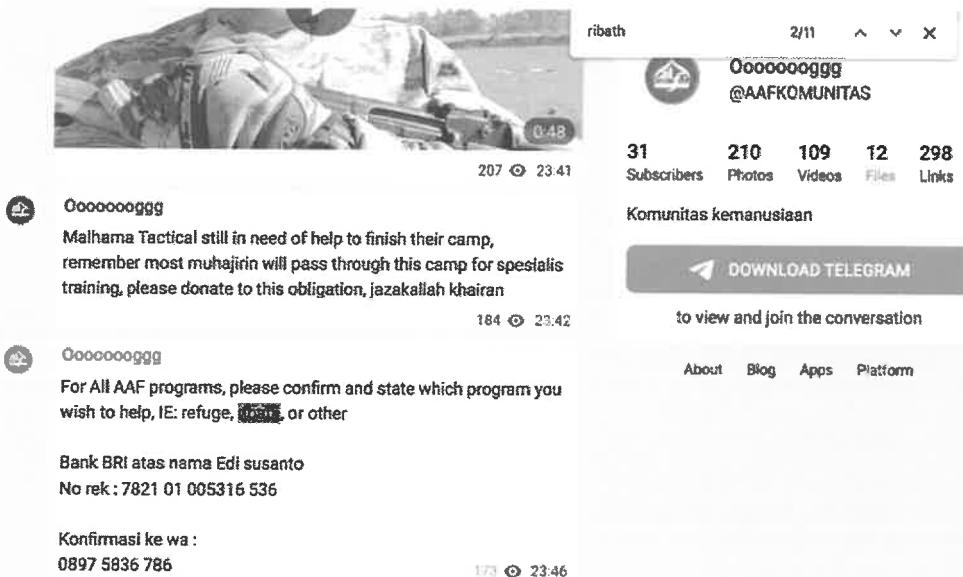


Write a comment...



Available evidence regarding 'Sadaqah Al Khair' is limited, whereas the Abu Ahmed

Foundation is better documented.<sup>1</sup> The Abu Ahmed Foundation was<sup>2</sup> a charity of Indonesian origin that had operatives inside Syria and became known for providing support for Malhama Tactical- a connection that was acknowledged by both the charity and Malhama Tactical. I have been able to review posts from a Telegram channel of the Abu Ahmed Foundation that was created in December 2018 and was active until 2020. These posts provide evidence for professed support for Hay'at Tahrir al-Sham and fund-raising efforts for militants in general and for Malhama Tactical in particular. For example in a post from its Telegram channel in March 2019, the Abu Ahmed Foundation stated:



"Malhama Tactical still in need of help to finish their camp, remember most muhajirin will pass through this camp for spesialis [sic] training, please donate to this obligation, jazakallah khairan."<sup>3</sup>

A subsequent post outlines the types of programs the foundation supports in general:

"For all AAF programs, please confirm and state which program you wish to help: IE: refuge, ribath, or other."

"Ribath" in this context means manning of the frontlines by fighters.

As for Malhama Tactical, its own links with Hay'at Tahrir al-Sham are well established (even though it is not a formal affiliate of Hay'at Tahrir al-Sham). These links can be seen from the following interview I conducted in February 2020 with the group's leader Ali Shishani, who stated:

"As for the factions with which we work. Most of all we worked with HTS. However, our

<sup>1</sup> There is a slight difference in transliteration here: 'Ahmad' in the Merciful Hands post as opposed to 'Ahmed' in this report and elsewhere. It is clear though that the Merciful Hands post means the same charity I am discussing here.

<sup>2</sup> Subsequently dissolved as it was subject to a crackdown by the Indonesian authorities.

<sup>3</sup> Jazakallah khairan: 'May God reward you abundantly'- i.e. thank you.

doors are open to all factions of the Mujahideen who defend the Syrian people and fight in the interests of this people. At the moment, we have agreed to work with the Popular Resistance Units of Idlib (Saraya al-Mukavamati al-Sha'biyya).”<sup>4</sup>

A source who connected me with Ali Shishani to conduct the above interview and was part of the Abu Ahmed Foundation network has confirmed to me that the Abu Ahmed Foundation also supported Hay’at Tahrir al-Sham.<sup>5</sup> That said, he denied that the Abu Ahmed Foundation worked with the Merciful Hands to support Malhama Tactical and Hay’at Tahrir al-Sham.

For further possible insight I contacted the person who ran the Merciful Hands at the time (he is cited in the previous report) and asked him about the relationship with the Abu Ahmed Foundation in this period, which he clarified as follows:

‘Problem is I can’t lie on my channel I had written on my logo Merciful Hands and Abu Ahmad Foundation. Honestly we didn’t have a relationship the person lived in another country and just gave money to support my organization on helping needy Syrians. They sent money one or two times after that we lost contact. The money was then distributed to Syrian families, and we purchased food and distributed them to families in need. I never knew the person I didn’t know who they dealt with or had connections with. Our relationship was strictly to help families affected by the war in Syria. Because I accepted money from them on the basis of not knowing anything about them does this implicate my organization in any way?’<sup>6</sup>

He claims that in general the Merciful Hands took a no questions-asked approach to accepting donations, adding:

‘They [Abu Ahmed Foundation] sent money just to support a small organization that was new at the time just getting started. Many people donated and I don’t know who they are. It was a grassroots project.

We didn’t ask who anyone was or anything about them to give them a sense of security when donating. Also it was not necessary to ask questions. We took funds from different people and tried our best to give back to the Syrian Muslims affected by the war in Syria. We started this organization because of the suffering that we witnessed. Now the situation is worst than before and we have no platform to help anyone. Inflation is killing people.’<sup>7</sup>

## Assessment

The observations and evidence noted above need not be inconsistent with the prior report. Many of the foreigners who are now disillusioned with Hay’at Tahrir al-Sham and the direction it has taken did not necessarily feel the same way about the group in early to mid 2018. For example, while the disputes between Hay’at Tahrir al-Sham and al-Qa’ida were public, they were less intense and polarising at that time than they are now. My own

<sup>4</sup> <https://www.aymenniawad.org/2020/02/malhama-tactical-interview>; the ‘Popular Resistance Units’ mentioned by Shishani is a Hay’at Tahrir al-Sham-backed front designed to appeal to the broader population in Idlib and its environs. An example analogy of this relationship is Iraq’s Kata’ib Hezbollah and the ‘Popular Defence Squadrons’ (Saraya al-Difa’ al-Sha’abi) it set up and backed in 2014

<sup>5</sup> Conversation, November 21, 2021.

<sup>6</sup> Conversation, November 21, 2021.

<sup>7</sup> Ibid.

impression is that back then many foreigners inside northwest Syria and many foreigners supportive of a broader cause of jihad in the country were willing at least to give a pass to Hay'at Tahrir al-Sham, regardless of the specifics of the dispute with al-Qa'ida and other factions, because they saw the group as still committed to fighting Syrian government and its allies, continuing the broader cause of jihad in Syria, establishing an Islamic government, and protecting the foreigners in northwest Syria in general. These foreigners both inside and outside northwest Syria also likely wanted to avoid stirring up and exacerbating internal strife. Later on, however, divisions in orientation among the foreigners became more pronounced. For their part, those linked to the Abu Ahmed Foundation and Malhama Tactical remained supportive of Hay'at Tahrir al-Sham, whereas foreigners like the American media activist Bilal Abdul Kareem (who was imprisoned by Hay'at Tahrir al-Sham in 2020)<sup>8</sup> subsequently adopted more critical views of Hay'at Tahrir al-Sham.

Thus, if we were to suppose that the Merciful Hands and Abu Ahmed Foundation were working together in early or mid 2018 to support fighters in Hay'at Tahrir al-Sham and Malhama Tactical, we have in the preceding paragraph an explanation for this hypothesis that would make sense from an analytical perspective. That said, the owner of the Merciful Hands in that period claims that he has been against Hay'at Tahrir al-Sham since its formation (i.e. since January 2017):

"I have been against hts since their initial initiation. I don't want to hate Muslims but the hate that I have towards them has grown exponentially. A brother said something very interesting: if someone refuses to give you your rights when they are weak, do you think they will give you their rights when they are strong?"<sup>9</sup>

It is possible of course that he is not being sincere about his position on the group. It is also possible that he might have been willing to overlook his position on Hay'at Tahrir al-Sham as a group but still support individual fighters in the group on the grounds of personal connections, common nationality or ethnicity etc. The problem however is that these lines of thinking are speculative by nature.

In summation, it is important to highlight what the evidence gathered here can and cannot tell us. Specifically, the evidence gathered here shows that:

- . The Merciful Hands worked at least at one point in early 2018 with the Abu Ahmed Foundation.
- . The Abu Ahmed Foundation became known for supporting Hay'at Tahrir al-Sham and Malhama Tactical, and engaged in fundraising for fighters in both groups.

At the same time, the evidence here *does not show*:

- . That the Merciful Hands and the Abu Ahmed Foundation worked together in early/mid 2018 to support fighters in Hay'at Tahrir al-Sham and Malhama Tactical.
- . That the Merciful Hands knew of the Abu Ahmed Foundation's connections to Hay'at Tahrir al-Sham and Malhama Tactical.

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<sup>8</sup> <https://www.aymennjawad.org/2021/06/interview-with-bilal-abdul-kareem-on-his-arrest>

<sup>9</sup> Conversation, November 21, 2021.

- . That the Merciful Hands was at the time an affiliate or front for Hay'at Tahrir al-Sham or Malhama Tactical.
- . That the Merciful Hands advertised support for Hay'at Tahrir al-Sham, or that the Merciful Hands informed, made clear or gave the impression in the early/mid 2018 period to those donating that the money donated would go or likely be used to support fighters in Hay'at Tahrir al-Sham or Malhama Tactical.

I would particularly stress the last point here and redraw attention to the initial March 2018 Facebook posting highlighted in which Merciful Hands said it was working in conjunction with the Abu Ahmed Foundation. In the same post the Merciful Hands affirmed its supposed independence from all fighting groups and that its work was to help civilians and medical staff. It would make sense for the Merciful Hands to make such claims if it were a secret front for Hay'at Tahrir al-Sham or another militant group (or secretly linked to them) aiming to deceive donors about how money is used. We might also suppose that perhaps a donor knew of the Merciful Hands' supposed links with militant organisations and was sending money to it as a cover for humanitarian aid while knowing the real purpose of the donation. These lines of reasoning are speculative however. Evidence of alleged intent of the donation and knowledge/certainty about how the donation would be used has to come from the defendant herself.

It should also be noted in general that the evidence I have gathered here is by nature somewhat fragmentary on account of the nature of social media and deletions of old channels and accounts etc. If there is further evidence that can be supplied for my review, I would welcome it.